

Senate Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

CHAPTER 75

# **SENATE BILL 1456**

AN ACT

AMENDING SECTIONS 39-103, 41-1347 AND 41-1348, ARIZONA REVISED STATUTES;  
RELATING TO PUBLIC RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 39-103, Arizona Revised Statutes, is amended to  
3 read:

4 39-103. Size of public records; exemptions

5 A. All public records of this state or a political subdivision of this  
6 state created on paper, regardless of weight or composition, shall conform to  
7 standard letter size of eight and one-half inches by eleven inches, within  
8 standard paper manufacturing tolerances.

9 B. This section does not apply to public records smaller than eight  
10 and one-half inches by eleven inches, public records otherwise required by  
11 law to be of a different size, engineering drawings, architectural drawings,  
12 maps, computer generated printout, output from test measurement and  
13 diagnostic equipment, machine generated paper tapes and public records  
14 otherwise exempt by law. ADDITIONALLY, RECORDS KEPT EXCLUSIVELY ON  
15 PHOTOGRAPHY, FILM, MICROFICHE, DIGITAL IMAGING OR OTHER TYPE OF REPRODUCTION  
16 OR ELECTRONIC MEDIA AS PROVIDED IN SECTION 41-1348, SUBSECTION A ARE EXEMPT  
17 FROM THE SIZE RESTRICTIONS OF THIS SECTION. ~~Upon~~ ON written application the  
18 director of the Arizona state library, archives and public records may  
19 approve additional exemptions from this section if based ~~upon~~ ON such  
20 application the director finds that the cost of producing a particular type  
21 of public record in accordance with subsection A OF THIS SECTION is so great  
22 as to not be in the best interests of this state.

23 Sec. 2. Section 41-1347, Arizona Revised Statutes, is amended to read:  
24 41-1347. Preservation of public records

25 A. All records made or received by public officials or employees of  
26 this state in the course of their public duties are the property of ~~the~~ THIS  
27 state. Except as provided in this article, the director and every other  
28 custodian of public records shall carefully protect and preserve the records  
29 from deterioration, mutilation, loss or destruction and, when advisable,  
30 shall cause them to be properly repaired and renovated. All paper, ink and  
31 other materials used in public offices for the purpose of permanent records  
32 shall be of durable quality and shall comply with the standards established  
33 pursuant to section 39-101. ADDITIONALLY, THE CUSTODIAN OF RECORDS THAT  
34 KEEPS PHOTOGRAPHY, FILM, MICROFICHE, DIGITAL IMAGING OR OTHER TYPES OF  
35 REPRODUCTION OR ELECTRONIC MEDIA PURSUANT TO SECTION 41-1348, SUBSECTION A  
36 SHALL PROTECT RECORDS FROM LOSS OR DESTRUCTION PURSUANT TO STANDARDS THAT ARE  
37 ESTABLISHED BY THE DIRECTOR.

38 B. Records shall not be destroyed or otherwise disposed of by any  
39 agency of ~~the~~ THIS state, unless it is determined by the state library that  
40 the record has no further administrative, legal, fiscal, research or  
41 historical value. The original of any record produced or reproduced pursuant  
42 to section 41-1348 may be determined by the state library to have no further  
43 administrative, legal, fiscal, research or historical value. A person who  
44 destroys or otherwise disposes of records without the specific authority of  
45 the state library is in violation of section 38-421.

1       Sec. 3. Section 41-1348, Arizona Revised Statutes, is amended to read:  
2       41-1348. Production and reproduction of records by agencies of  
3               the state and political subdivisions; admissibility;  
4               violation; classification

5       A. Each agency of the THIS state or any of its political subdivisions  
6       may implement a program for the production or reproduction by photography or  
7       other method of reproduction on film, MICROFICHE, DIGITAL IMAGING or OTHER  
8       electronic media of records in its custody, whether obsolete or current, and  
9       classify, catalogue and index such records for convenient reference. The  
10      agency, ~~prior to~~ BEFORE the institution of any such program of production or  
11      reproduction, shall obtain approval from the director of the types of records  
12      to be produced or reproduced and of the methods of production, reproduction  
13      and storage and the equipment which the agency proposes to use in connection  
14      with the production, reproduction and storage. ON APPROVAL FROM THE  
15      DIRECTOR, THE SOURCE DOCUMENTS MAY BE DESTROYED, BUT ONLY AFTER AN  
16      ADMINISTRATIVE AUDIT AND AFTER SAFEGUARDS ARE IN PLACE TO PROTECT THE PUBLIC  
17      RECORDS PURSUANT TO SECTION 41-1347, SUBSECTION A.

18      B. Except as otherwise provided by law, records reproduced as provided  
19      in subsection A of this section are admissible in evidence.

20      C. The provisions of this section shall not be applicable to permit  
21      destruction of current original affidavits of registration as that term is  
22      used in section 16-163.

23      D. A head of an agency of this state or a political subdivision of  
24      this state who violates this section is guilty of a class 2 misdemeanor.

APPROVED BY THE GOVERNOR APRIL 22, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 2008.